

## REMARKS

This paper is being provided in response to the Office Action mailed September 16, 2002, for the above-referenced application. In this response, Applicants have cancelled claims 8, 9, 10; amended claims 1, 11, 12, and 21 to clarify that which Applicants consider to be the invention; and have added new claims 25 and 26. A clean-copy list of all pending claims as amended herein has been attached. Applicants respectfully assert that the amendments to the claims and the new claims are all supported by the original specification as filed.

### Objection to the Drawings under 37 C.F.R. 1.83(a)

The Examiner objects to the drawings under 37 C.F.R. 1.83(a) for failing to show every feature of the invention specified in the claims. The Examiner states that "the dock mechanism adapted to be altered in size (claim 8) and the ship mechanism adapted to altered in size (claim 9) must be shown or the feature(s) cancelled from the claims(s)." Claims 8 and 9 have been cancelled.

### Objection under 37 C.F.R. 1.75(c)

The Examiner objects to claim 10 as being of improper dependent form for failing to failing to further limit the subject matter of a previous claim. Claim 10 has been cancelled and the dependencies of claims 11 and 12 have been corrected to more particularly point out and distinctly claim the subject matter of the invention.

### Rejections under 35 U.S.C. 102(b)

The rejection of claims 1-3, 5, 7, 10 and 21 under 35 U.S.C. 102(b) as being anticipated by Kincheloe is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Applicants' independent claim 1, as amended herein, recites a transferable binding apparatus comprising a ship mechanism. A binding mechanism is affixed to the ship mechanism which is inserted into a dock mechanism attached to a ski and adapted to receive the ship mechanism. An attachment mechanism attaches the ship mechanism to the dock mechanism. Further, the binding mechanism comprises a safety-release binding that

independently controls engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism. Claims 2-7, 11, 12, and 19 depend from independent claim 1.

Applicants' independent claim 21, as amended herein, recites a method for transferring a binding. A binding mechanism is affixed to a ship mechanism. A dock mechanism is affixed to a ski. The ship mechanism is inserted into and attached to the dock mechanism. Further, the binding mechanism comprises a safety-release binding that independently controls engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism.

Kincheloe discloses a convenience-type releasable foot binding for use in combination with a snowboard including a socket component 30 mounted to the top surface of the snowboard and an attachment plate 28. The attachment plate 28 is longitudinally slidably engageable into the socket and mounted a shoe binding apparatus. (See FIG. 1 and col. 2, lines 25-37). Kincheloe's device does not include a safety-release binding which automatically releases during a fall and instead includes a convenience-release binding which allows a snowboarder to separately release one foot without the need to unfasten a typical shoe-binding attachment. (See col. 2, lines 50-56).

Applicants' independent claims 1 and 21 recite the feature that the binding mechanism comprises a safety-release binding that independently controls engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism. Kincheloe's disclosure describes a convenience-type binding designed such that a boot is released from a snowboard by the removal of the entire assembly of a baseplate 28. Thus, release of a boot from the snowboard as designed by Kincheloe *requires removal of the ship-like baseplate 28*. Applicants respectfully submit that Kincheloe does not teach or suggest a binding mechanism comprising a *safety-release binding independently controlling engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism* as is claimed by Applicants. In fact, Kincheloe *teaches away* from such a recitation

by explicitly stating that his invention is not designed to provide a safety-release binding which automatically releases during a fall. (See col. 2, lines 50-52). Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 1 and 19 under 35 U.S.C. 102(b) as being anticipated by Wariakois is hereby traversed in view of the amendments to the claims contained herein.

The features of the independent claims are discussed above.

Wariakois discloses a snowboard comprised of two separate ski members. The snowboard comprises ski bindings associated with each ski member and a snowboard binding assembly which is comprised of elements associated with each ski member so as to readily position boot bindings between a skiing mode and a snowboarding mode. A boot binding 70 comprises a base plate 74 which can be transferred between snowboard blocks 58, 60 and ski brackets 130, 132. (See Figures 2, 5, and 6).

As discussed above with respect to Kincheloe, Applicants' independent claims 1 and 21 recite the feature that the binding mechanism comprises a safety-release binding that independently controls engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism. Wariakois discloses a binding 70 incorporated into the base plate 74 that can be transferred between snowboard blocks 58, 60 and ski brackets 130, 132. (See col. 6, lines 29-41). The base plate 74 is a component of the binding 70 and designed such that engagement or disengagement of a boot from the ski is performed by *removing the entire ship-like base plate 74* from the blocks or brackets. (See FIG. 12). Applicants respectfully submit that Wariakois does not teach or suggest a binding mechanism comprising a *safety-release binding independently controlling engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or dock mechanism* as is claimed by Applicants. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. 103(a)

The rejection of claims 4, 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Kincheloe is hereby traversed in view of the amendments to the claims contained herein.

Kincheloe is discussed above with respect to independent claims 1 and 21. The Office Action refers to the knowledge of one of ordinary skill in the art, and Applicants respectfully assert that nothing in the prior art of record overcomes the deficiencies of Kincheloe as noted above with respect to the independent claims. Applicants respectfully submit that Kincheloe does not teach or suggest a binding mechanism comprising a safety-release binding independently controlling engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

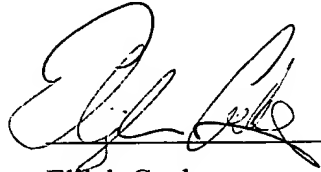
The rejection of claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Kincheloe has been addressed. Claims 8 and 9 have been cancelled.

Applicants have added new claims 25 and 26 directed to transferable binding systems. Applicants respectfully submit that these claims are fully supported by the original specification as filed.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections. Favorable consideration and allowance are earnestly solicited.

Authorization is given to charge any fees associated with this filing, which have not been provided for in the accompanying documents, to our Deposit Account No. 03-1721.

Date: December 13, 2002

A handwritten signature in black ink, appearing to read 'E. Cocks', is written over a horizontal line.

Elijah Cocks  
Registration No. 47,499

CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000